

LAW OFFICE OF DENNIS J. DUNCAN, LLC
599 BLOOMFIELD AVENUE
BLOOMFIELD, NEW JERSEY 07003
PH: (973) 743-7100 FAX: (973) 743-7101
ATTORNEY FOR DEFENDANT-COUNTERCLAIMANT,
RICHARD "VINCE" LAMB

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY - TRENTON**

CHARLES NOVINS, ESQ. P.C. and	:	Civil Action No. 09-CV-5354-AET-DEA
CHARLES NOVINS, Personally,	:	
	:	
Plaintiffs,	:	
v.	:	AFFIDAVIT OF SERVICES BY
	:	DENNIS J. DUNCAN
	:	
KEVIN A. CANNON, et al.	:	
	:	
Defendants	:	

DENNIS J. DUNCAN, of full age, states under penalty of perjury:

1. I am an attorney-at-law of the State of New Jersey and a member of the Bar of the U.S. District Court for the District of New Jersey. I represent Counterclaimant Richard Vince Lamb, Ph.D. (hereinafter "Lamb") and as such I am personally familiar with the facts set forth herein. I submit this Affidavit in support of Lamb's application for an award of attorney's fees in the amount of \$ **9,240.00** and costs in the amount of \$ **164.97** pursuant to this Court's August 16, 2010 Orders (the "August 16, 2010 Orders").

2. The work performed in this matter was performed by me at my reduced hourly rate of \$200.00. My regular hourly billing rate (for Intellectual Property and

other matters) is \$265. In 2009, at my previous firm, Scully Scott Murphy & Presser, P.C., my billing rate as an associate was \$245. That hourly rate was charged for client counseling and representation in both intellectual property litigation and prosecution matters. In bankruptcy matters I have billed my work at \$300.00 an hour. For example, I billed at that rate in representing a small hotel in a Chapter 11 proceeding in a Southern District of New York bankruptcy matter. More recently, a large Korean electronics company paid me at a rate of \$350 per hour for work on an intellectual property matter in which I utilized my expertise in digital signal and image processing. (As explained further below, I have a Bachelor of Science degree in Electrical and Computer Engineering Technology).

3. I have been practicing law for 9 years (i.e., since 2001), specializing in intellectual property matters, general litigation and consumer bankruptcy law. I am admitted to the practice of law in the courts of the States of New Jersey and New York, the District of Columbia (in which I have a pending application to convert from active to inactive status), the United States District Courts for the District of New Jersey, the Southern and Eastern Districts of New York, the Eastern District of Texas, as well as the United States Courts of Appeals for the Second Circuit and the Federal Circuit. I am also a patent attorney registered to practice before the United States Patent Office. I received my undergraduate degrees from Farleigh Dickinson University (Political Science) and the New Jersey Institute of Technology (Electrical and Computer Engineering Technology). I received my master's degree from Rutgers University (Political Science) and expect to receive a master's degree from the New Jersey Institute

of Technology in the Spring of 2011 (Electrical Engineering). Prior to becoming an attorney, I worked for 5 years as a computer technician, network administrator and engineer. I received my law degree from Seton Hall University School of Law. I clerked for the Honorable Joseph P. Donohue, P.J.S.C. (Union Vicinage) and the Honorable F. Michael Caruso, J.S.C. (retired) (Essex Vicinage). I am a member of the Essex Vicinage Minority Concerns Committee (2007) and the District VA Ethics Committee (2009). I have taught undergraduate courses in political science and ethics at William Paterson University and DeVry University.

4. Attached hereto as **Exhibit A** is a chart containing the time entries for the relevant period of time from June 2009 through September 2010 relating to Lamb's efforts to obtain discovery requested in Lamb's June 2009 Answer to the Plaintiffs' Complaint and requested in Lamb's Interrogatories to the Plaintiffs. The attached chart refers to work that was reasonable and necessary to obtain discovery from the Plaintiffs and which were actually billed to my client (Quarterly Billing Arrangement) for that work up until June 2010. For the period after June 2010, the chart reflects work for which I shall shortly, in the ordinary course of business, bill my client. Portions of time charge entries that would disclose information protected by the attorney-client privilege or attorney work product doctrine have been redacted or revised. Counterclaimant Lamb is, of course, willing to submit un-redacted versions of those time charge entries for an in camera review to the extent requested by this Court.

5. The total attorneys' fees incurred for the above work is \$ **9,240.00**

6. In connection with Lamb's efforts to obtain Plaintiffs' responses to discovery requested in Lamb's June 2009 Answer to the Complaint and responses to Lamb's Interrogatories to the Plaintiffs Lamb also has incurred expenses, including but not limited to:

- Postal expenses related to propounding Interrogatories and notice of deficiencies;
- Postal expenses related to courtesy copies of motions to compel discovery and for sanctions
- Delivery by N.J. Lawyer Services of a letter to the chambers of Magistrate Judge Arpert
- PACER Printing Fees
- Printing and photocopying fees (Westlaw printouts and photocopies of reporters and treaties)

7. Attached hereto as **Exhibit B** are: (a) a copy of a New Jersey Lawyer Services' Invoice relating to a letter sent to the Honorable Magistrate Judge Douglas Arpert on January 29, 2010 and (b) copies of certified mailing receipts. A receipt for the July 12, 2010 mailing is not available in that postage was obtained either from stamps previously purchased or from a Pitney Bowes postage machine which does not print out detailed records. The requested printing and photocopy fees reflect the costs of purchasing a \$20.00 copy card at the law library.

8. The total expenses incurred for the foregoing are **\$164.97**

9. Counterclaimant Lamb respectfully requests that this Court enter judgment awarding attorneys' fees and costs in favor of Lamb and against Plaintiffs, and their

counsel, Charles Novins, Esq. for the sum of \$9,404.97 to be paid on or before November 1, 2010 in accordance with the August 16, 2010 Orders.



DENNIS J. DUNCAN

Dated: September 15, 2010

Sworn to before me this
15th Day of September 2010



Notary Public

CARUSO POPE SMITH
EDEL PICINI

ATTORNEYS AT LAW
A Professional Corporation

Wolodymyr P. Tyshchenko

60 Route 46 East
Fairfield, NJ 07004
www.carusopopesmith.com

973•667•6000
Fax 973•667•1200
wtyschenko@carusopopesmith.com